

Rye City Planning Commission Minutes

October 26, 2004

PRESENT:

Barbara Cummings, Chair
Martha Monserrate
Nick Everett, Vice-Chair

G. Patrick McGunagle
Peter Larr
H. Gerry Seitz

ABSENT:

Hugh Greechan

ALSO PRESENT:

Christian K. Miller, AICP, City Planner

I. HEARINGS

1. Beechwind Properties (Continued)

- Commission noted it kept hearing open solely for the purpose of officially receiving City Board of Appeals Findings and Decision, which it received in advance of meeting.
- Rex Gedney (applicant's architect) provided no further information regarding the application.

ACTION: Peter Larr made a motion, seconded by Nick Everett, that the Planning Commission close the public hearing on final subdivision application number (SUB283) and wetland permit application number (WP143), which was carried by the following vote:

Barbara Cummings, Chair:	Aye
Martha Monserrate, Vice- Chair:	Aye
Nick Everett:	Aye
Hugh Greechan:	Absent
G. Patrick McGunagle:	Aye
Peter Larr:	Aye
H. Gerry Seitz:	Aye

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II. ITEMS PENDING ACTION

1. Beechwind Properties (Continued)

- Commission noted it has not received final subdivision plat as requested by City Planner and would not render a decision.
- Commission noted that one of the proposed trees required to be removed by the Board of Appeals decision is located in a City right-of-way. Commission noted that tree is not a notable or significant species, but that such removal would require City DPW approval.

2. Rye Town Dock

- City Planner noted that applicant requested adjournment in October 26 telephone conversation. City Planner added that as requested, comments of the Police Commissioner regarding the proposed elimination of lighting were provided and that the applicant is looking to possibly revise plan to provide some level of lighting on the dock.

3. Commerce Bank

- Paul Noto (applicant's attorney) stated that NYSDEC was noticed regarding the applicant's discovery of sub-surface environmental contamination.
- Mr. Kim (property owner) stated that he has retained the environmental consulting firm, Whitestone, which prepared the environmental site assessment on behalf of Commerce Bank. Mr. Kim intends to clean the site, however, no specific clean-up plan has been prepared.
- Commission agreed that it wants to move application forward, but that it will require applicant to keep the City advised of the status of the remediation and any approvals by NYSDEC. NYSDEC approval may be required before issuance of a certificate of occupancy by the City. Commission noted particular concern regarding the possible migration of the contaminants, given that the City owns property on three sides of the site. Public is also entitled to have access to documents regarding the status of contaminants and clean up.
- Commission reviewed details of Whitestone report noting types and quantity of contaminants that exceed NYSDEC levels.
- Commission agreed to consider resolution of approval at its next meeting.

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4. 259 Purchase Street

- City Planner noted all variances are not accurately expressed on site plan. Commission recommends that applicant and planner meet to resolve remaining discrepancies.
- City Planner noted that no use is shown on second floor, including the previously proposed apartments, which are not currently permitted in B-1 District. Second floor area will be counted towards maximum FAR, but not applied to parking required for retail use.
- Commission requested that applicant provide a report from a qualified consultant regarding the on-site sub-surface contaminates remediation and whether it will conflict with proposed stormwater drainage system. Applicant should also propose a water quality treatment measure, such as a filter system for the drainage system. Commission noted Engineering Department's request for more detailed information regarding the drainage connection in Blind Brook Lane.
- Commission agreed not to set a hearing until additional information is provided. Commission noted delay will not impact processing of application, since applicant could not submit variance application until the BOA's December meeting.

5. Colahan Subdivision

- Commission noted that percolation test resulted for site will be required before the setting of a public hearing. Commission was advised by City Planner that there is no City drainage system within reasonable proximity of the property so the applicant will be required to detain stormwater from all new impervious areas on the site. Soil suitability is a significant issue.
- Rex Gedney (applicant's architect) highlights the 2-lot subdivision noting that 1) existing driveway will be retained and used by new lot; 2) existing residence and garage are proposed to remain; 3) driveway easement will be provided to allow vehicle to access existing garage; 4) new code compliant driveway to Forest Avenue will be provided to serve as access to existing residence.
- Commission noted concern with visual impact of proposed steep new driveway serving existing residence. Commission is sensitive to impact of the driveway given the site's proximity to Rye Town Park. Recommends that existing common driveway be used to serve both lots, consistent with current on-site paving in the rear of the proposed lot.

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- Commission requested that adjacent driveways be shown. Commission requests that floor area of existing residence be provided and compliance of this lot with the City's FAR restriction be shown.
- Commission requested that City Planner review the historic status of Rye Town Park and whether the subdivision is a Type I action under SEQRA.
- Commission agreed that there would be no further action until percolation results are submitted and a site walk is conducted on November 13.

6. McComb Residence

- Commission noted that encroachment of existing driveway on adjacent City property must be removed or a license agreement secured from the City Council. Richard Horsman (applicant's landscape architect) notes that applicant will relocate and reduce the width driveway to comply with Commission's request. Commission's reminds Horsman that the Zoning Code does not permit parking in the required front yard setback.
- Commission noted the location of the property within a 100-year flood zone. Horsman noted that Blind Brook did not overtop its banks adjacent to the property during the recent September 8, 2004 flood.
- City Planner advised that the overflow pipe adjacent to Blind Brook should be relocated further away from the top of bank.
- Horsman confirmed that no plantings are on City property.
- Commission agreed that they should not set a hearing until after it inspects the property at the November 13 site walk.

7. Doyle Subdivision

- Commission found revised house and driveway location acceptable since it preserves the rock outcropping in rear of site, which is the most significant natural feature on the site.
- Commission and City Planner requested more information from applicant's engineer regarding the extent of fill in the front yard for the proposed septic system. Plan seemed to indicate four feet of fill, where only two feet was indicated on previous plan.

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- Commission found driveway location acceptable within 100-foot wetland buffer, since it improves vehicle sight distance. Commission emphasized importance of this public safety enhancement.
- Commission requested that the applicant provide wetland plantings for proposed impervious areas within 100-foot buffer. Frank McCullough (applicant's attorney) stated that revised plans will be provided. Also stated, that the Westchester County Health Department has not approved the septic plan, but that the results of the soil testing were very good.

ACTION: H. Gerry Seitz made a motion, seconded by Nick Everett, that the Planning Commission set a public hearing on final subdivision application number (SUB291) and wetland permit application number (WP160) for its November 16, 2004 meeting, which was carried by the following vote:

Barbara Cummings, Chair:	Aye
Martha Monserrate, Vice- Chair:	Aye
Nick Everett:	Aye
Hugh Greechan:	Absent
G. Patrick McGunagle:	Aye
Peter Larr:	Aye
H. Gerry Seitz:	Aye